

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SANGRIA MUELLER, et al.,)
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Plaintiffs,)
)
v.) Case No. 04-4251-CV-C-NKL
)
)
GARY KEMPKER, et al.,)
)
)
Defendants.)

ORDER

Pending before the Court is Defendant Trey Propes's ("Propes") Motion for Summary Judgment [Doc. # 88] and Defendant Jose Perdomo's ("Perdomo") Motion for Summary Judgment [Doc. # 90]. For the reasons set forth below, the Court grants both Motions.

I. Background

This lawsuit was commenced by four former inmates of the jail in Cole County, Missouri. The four plaintiffs are Sangria Mueller ("Mueller"), Jennifer Reeves ("Reeves"), Amanda Branch ("Branch"), and Jaime Lawson ("Lawson"). Plaintiffs allege that Propes and Perdomo subjected them to sexual contact while they were incarcerated at the jail. Propes and Perdomo were jailers who oversaw Plaintiffs.

In their Complaint, Plaintiffs alleged four counts against Propes and Perdomo. Count I alleged that Defendants violated 42 U.S.C. § 1983; Count II charges that Defendants committed assault against them; Count III alleged that Defendants committed

battery against them; and Count IV alleged that Defendants engaged in outrageous conduct that caused Plaintiffs severe emotional distress [Doc. # 1].

II. Discussion

A. Propes's Motion [Doc. # 88]

In his pending Motion, Propes argues that he is entitled to summary judgment for three reasons. First, Propes argues he is entitled to judgment on Lawson's claims against him because she did not allege any wrongful conduct by Propes during discovery. Second, Propes argues that he is entitled to summary judgment on Reeves's claims for assault and battery (Counts II and III) because they are time-barred by Mo. Rev. Stat. § 516.140. Finally, Propes asserts that he is entitled to summary judgment on Count IV of Plaintiffs' Complaint as it relates to all Plaintiffs because there is no expert testimony indicating that Plaintiffs have suffered severe emotional distress. In their responsive pleading, Plaintiffs do not object to the entry of summary judgment [Doc. # 112]. Accordingly, the Court will grant Propes's Motion.

B. Perdomo's Motion [Doc. # 90]

In his pending Motion, Perdomo moves for summary judgment on three bases. First, Perdomo argues that Reeves and Branch have never alleged wrongful conduct by him during the course of discovery. Second, Perdomo argues that Lawson's assault and battery claims (Counts II and III) are time-barred by Mo. Rev. Stat. § 516.140. Finally, Perdomo asserts that there is no expert testimony supporting Plaintiffs' claim that they have suffered severe emotional distress. Again, Plaintiffs do not object to the entry of

summary judgment [Doc. # 112]. Accordingly, the Court will grant Perdomo's Motion.

III. Conclusion

Accordingly, it is hereby

- (1) ORDERED that Propes's Motion for Summary Judgment [Doc. # 88] is GRANTED, and
- (2) ORDERED that Perdomo's Motion for Summary Judgment [Doc. # 90] is GRANTED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

DATE: May 24, 2005
Jefferson City, Missouri